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May 21, 2024

Application GRANTED in part and DENIED in part. Defendant shall complete its response to the *Valentin* order by **July 3, 2024**.

**VIA ECF**

The Honorable Lorna G. Schofield  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

Dated: May 22, 2024  
New York, New York

A handwritten signature in black ink, appearing to read "LORNA G. SCHOFIELD".

LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE

Re: Walker v. Department of Correction et al., 23-CV-6383 (LGS)

Your Honor:

I am a Senior Counsel in the office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney for defendant the City of New York in the above referenced matter.<sup>1</sup> I write today to partially respond to the Court's Valentin Order dated January 22, 2024, and to respectfully request a forty-five (45) day extension to further respond to the Valentin Order from May 21, 2024 to July 5, 2024. (See ECF No. 8).

By way of background, plaintiff filed the Amended Complaint on December 19, 2023 asserting claims under 42 U.S.C. § 1983 and state law claims arising out of several incidents on either June 22 or 23, 2023, as well as on July 2, 2023, involving unidentified inmates and Correction Officers during his incarceration. (See ECF No. 1). On January 22, 2024 the Court issued an Order of Service requesting the City waive service and ordered the City, pursuant to *Valentin v. Dinkens*, to identify the following individuals mentioned in the Complaint: (1) those Correction Officers assigned to the VCBC's Dorm 1BB bubble, on or about July 2, 2023, when plaintiff ran from the VCBC's Dorm 1BB to the VCBC's Dorm 1AB; (2) a Correction Officer assigned to the VCBC's Dorm 1BB, on or about July 2, 2023, who observed plaintiff being attacked by multiple inmates at the same time and who gave an object to an inmate; (3) those Correction Officers who transferred plaintiff from the AMKC to the VCBC; (4) those Correction Officers who were working during the "morning" tour of duty, on or about July 2, 2023, in the

<sup>1</sup> This case has been assigned to Assistant Corporation Counsel Mamoon Saleemi, who is admitted to the Bar, and whose application to the Southern District of New York is pending. Mr. Saleemi is handling this matter under supervision. Mr. Saleemi may be reached directly at (212) 356-2384 or by email at [msaleemi@law.nyc.gov](mailto:msaleemi@law.nyc.gov).

VCBC, and transferred plaintiff from the VCBC to the AMKC (5) 4 prisoners who, on or about June 22 or 23, 2023, punched plaintiff in the face in the VCBC's Dorm 3BB mess hall; and (6) prisoners who, on or about July 2, 2023, punched plaintiff in his ribs or chest, or threatened to do so, in the VCBC's Dorm 1BB. On March 25, 2024, the Court granted the City's request for an extension to respond to the Valentin Order by May 21, 2024. (See ECF No. 17).

As an initial matter, defendant writes to provide the Court with the identity of the inmate who punched plaintiff in the face in VCBC's Dorm 3BB mess hall on June 23, 2023. That individual is:

- Hooper, Andre, B&C# 141-22-02269.

There has been some delay in receiving the underlying documentation, however, my office has obtained certain documents from the Department of Correction ("DOC") on May 16<sup>th</sup> and 20<sup>th</sup>, 2024, and are in the process of reviewing these records to determine if they contain any additional responsive information.

As for the July 2, 2023 incident and the identification of the remaining John Doe Correction Officers, plaintiff's housing records indicate that he was not housed in VCBC on the date in question. A representative from DOC has also reviewed the records and confirmed that plaintiff's record demonstrate that he was housed in AMKC on July 2, 2023. Specifically, the records show that plaintiff was transferred from VCBC to AMKC on June 25, 2023 and remained in AMKC until he was discharged from DOC custody on July 11, 2023. Thus, there would be no records of plaintiff being involved in any incidents inside VCBC on July 2, 2023.

As a result, we have requested the legal schedules and clinic logbooks from AMKC for both July 2<sup>nd</sup> and 3<sup>rd</sup>, 2023. This request will require additional time to process as AMKC is no longer an operational facility on Rikers Island and is not fully staffed.

Therefore, defendants respectfully request a forty-five day extension of time to respond to the Valentin Order from May 21, 2024 to July 5, 2024.

Defendant thanks the Court for its time and consideration herein.

Respectfully submitted,

/s/

John Schemitsch  
*Senior Counsel*  
Special Federal Litigation Division

cc: **VIA FIRST CLASS MAIL**

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